

PAID

TOWN OF CARY
Planning Department

JAN 2 2018

Submit to the Planning Department, P.O. Box 8005, Cary, NC 27512

For office use only:

DEVELOPMENT SERVICES

Rezoning Case #

Payment Method: CASH ___ CHECK X CREDIT CARD ___ Amount: \$ 1900 P&Z HTE# 18445

APPLICATION FOR REZONING

Associated Annexation Petition ☒ Yes ☐ NoTraffic Impact Study ☒ Yes TAR Number: 17-TAR-427 ☐ No Staff confirmation: Initials _____ Date _____

This application is deemed sufficiently complete for purposes of submittal.

Planning Staff Signature D. Grannan Date 4 affidavits

Submittal deadlines incorporate sufficiency review of rezoning/land use plan amendment applications. Signature by Planning Staff is required prior to payment of fees and final acceptance of application.

STAFF USE ONLY: Circle applicable Parts: 1 2 3A B1 3B2 3B3 3B4 3C1 3C2 3C3 3C4 3D 3E1a 3E1b 3E2 3F

Fees will not be accepted until the application is deemed sufficiently complete and signed by Planning Staff.

REZONING FEE:

- ☐ \$1,400.00 – General rezoning, or initial zoning associated with owner-initiated annexation petition, 5 acres or greater
- ☐ \$300.00 – Initial zoning associated with citizen-initiated annexation petition, less than 5 acres
- ☒ \$1,900.00 – Conditional use rezoning (per change of zoning classification requested)
- ☐ \$2,500.00 – Mixed Use District Rezoning (New MXD, or major amendment to existing PDP)
- ☐ \$500.00 – Mixed Use District Rezoning (Minor amendment to existing PDP - typically less than 50% of floor area, number of units, etc.)
- ☐ \$2,500.00 – New application or major amendments to approved Major PDD
- ☐ \$1,250.00 – Minor PDD or Minor Amendment to Existing PDD

NOTE: An additional fee of \$150 will be charged for each additional public hearing or neighborhood meeting required due to changes in the request made during the rezoning process.

Project Name		Green Level West
Name of PDD (if applicable)		
Location	Address	4216 Green Level West Rd., 4208 Green level West Rd., and 4201 Pine Rail Lane
	General Location	
	Jurisdiction (check one)	<input type="checkbox"/> Cary Corporate Limits <input type="checkbox"/> Cary ETJ <input checked="" type="checkbox"/> Wake Co.* <input type="checkbox"/> Chatham Co.* * Submittal of an annexation petition is required if rezoning is requested

Part 1: Applicant Information

Applicant		Applicant's Contact	
Name	Property owners listed below	Name	Jay Gilleece
Firm		Firm	Hugh J. Gilleece, III and Associates
Address		Address	875 Walnut St., Suite 360
City, State, Zip		City, State, Zip	Cary, NC 27511
Phone (area code)		Phone (area code)	919-469-1101
Email		Email	gilleece@bellsouth.net

Part 2: Parcel & Owner Information

Property Owner(s) <i>Provide property owner name and address as it appears in the Wake or Chatham County Tax Records,</i>	County Parcel Number(s) (10 digit)	Real Estate ID(s)	Deeded Acres ¹
Parkway Green Level, LLC 1000 Darrington Dr., #105 Cary, NC 27513 (Michael L. Hunter)	0723164919	0098986	44.08
Pirate Properties, Inc. (50%) 120 Dunedin Ct. Raleigh, NC 27511 (Roy E. Mashburn, Jr.) and	0723271438	004944	28.08
GPM3 (50%) 1000 Darrington Dr., #105 Cary, NC 27513 (Michael L. Hunter)			
Parkway Properties Group, LLC 1000 Darrington Dr., #105 Cary, NC 27513 (Michael L. Hunter)	0723281985	0041998	11.36
Total Acres	83.52		

¹ A property survey showing zoning district boundaries and acreages is required if multiple zoning districts are proposed or if the proposed rezoning applies to only a portion of a parcel.

Part 3A: Rezoning RequestPre-Application Conference: ☒ Yes Date: _____ ☐ No

Existing Zoning	Base Zoning District(s)	Wake County R-40-W
	Zoning Overlay District(s) <i>Check any that apply</i>	<input type="checkbox"/> Mixed Use Overlay District (Name: _____) <input type="checkbox"/> Conservation Residential Overlay District <input type="checkbox"/> Airport Overlay District <input checked="" type="checkbox"/> Watershed Protection Overlay District <input checked="" type="checkbox"/> Jordan Lake <input type="checkbox"/> Jordan Lake Critical Area <input type="checkbox"/> Swift Creek <input type="checkbox"/> Historic Preservation Overlay District
	Zoning Conditions <i>(if any)</i>	none existing
Proposed Zoning	Proposed Base Zoning District(s)	Transitional Residential Conditional Use, and Watershed Protection Overlay District, Jordan Lake Subdistrict
	Proposed Zoning Conditions	<input type="checkbox"/> No zoning conditions are proposed <input checked="" type="checkbox"/> Zoning conditions are proposed and included in attached affidavit
	Proposed Changes to Overlay Districts	none
	Summary of Proposed Development or Purpose of Request	To allow the development of a Residential Community. Residential density shall not exceed 2.75 dwelling units per acre.

Part 3B: Applicant's Rezoning Justification Statement(s)

Rezoning Justification Statement #1 *Required for all rezoning requests*

Describe how the proposed rezoning meets the criteria listed below.

Section 3.4.1(E) of the Land Development Ordinance states that Council should consider the following criteria when reviewing all proposed rezonings:

- (1) The proposed rezoning corrects an error or meets the challenge of some changing condition, trend, or fact;

Applicant's Comments: The subject property is not within Cary's ETJ. It falls within the Green Level Planning Area West of Flat Branch, which is experiencing growth and new opportunities. An annexation petition is submitted the the zoning application. The rezoning application addresses the Town's vision for development in this area.

- (2) The proposed rezoning is consistent with the Comprehensive Plan and the purposes set forth in Section 1.3 of this Ordinance;

Applicant's Comments: The rezoning request is consistent with Cary's 2040 Community Plan. The property lies within the Green Level Planning Area West of Flat Branch, which is envisioned at a gross area-wide residential density of 2.5 units per acre. This rezoning request is consistent with the plan for this area.

- (3) The Town and other service providers will be able to provide sufficient public safety, educational, recreational, transportation, and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development;

Applicant's Comments: The project will provide the right of way for +/- 1700 feet of 4-lane, landscaped-median-divided thoroughfare is noted on Cary's Community Plan. This right of way will comply with Cary's Comprehensive Transportation plan. (The applicant reserves the right to apply for a waiver from full construction.)

- (4) The proposed rezoning is unlikely to have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation;

Applicant's Comments: The project's eastern boundary is the American Tobacco Trail with a 50' buffer. With the thoroughfare buffers and the buffers along the ATT this project will not adversely affect the environment. The project is located within the Jordan Lake Overlay District. Town services will be provided.

- (5) The proposed rezoning will not have significant adverse impacts on other property in the vicinity of the subject tract; and

Applicant's Comments: The Community Plan designates this property as residential with a gross area-wide planning area density of 2.5 units per acre. The project is consistent with the plan, and conditions will be attached to the zoning petition to ensure that the Community Plan goals will be met.

- (6) The proposed zoning classification is suitable for the subject property.

Applicant's Comments: The proposed zoning is consistent with the Community Plan. Additionally, the presence of the 100' thoroughfare and an additional 100' in buffers on the thoroughfare tend to alter what might have been labeled "rural" to a more urban character. The thoroughfare bisects the property and presents significant design constraints, as well as a loss of 7.8 acres of usable land.

Rezoning Justification Statement #2 *Required for all rezoning requests*

Describe how the proposed rezoning is consistent with or supported by the visions and policies of the [Cary Community Plan](#). *Attach additional sheet if necessary.*

Growth Framework Map

The project is located within the Green Level Special Planning Area. The site is also in the "Neighborhoods West of Flat Branch" district. This area is planned to be built out at a lower density than the area east of Flat Branch. The goal for the area is that the gross aggregate residential density for the entire Special Planning Area at full buildout will be 2.5 dwellings per acre. The proposed project is consistent with the residential component of the Growth Framework Map. The project is located in the Jordan Lake Watershed Protection Overlay District.

Live _____ Chapter, Policy **3**

Provide for More Housing Options in New Neighborhoods: The proposed development will include detached, single-family dwellings. Residential development in this project may also include townhouses, and/or semi-detached dwellings.

Shape _____ Chapter, Policy **6**

Maintain Land Use Transition: The proposed project will facilitate the transition in the neighborhoods west of Flat Branch to the Chatham County line by keeping with the overall gross density of around 2.5 dwelling units per acre. Any townhomes would be shielded from the ATT in accordance with the guidelines in the Green Level Planning Area for neighborhoods west of Flat Branch. Townhouses will not be permitted within 150' of the American Tobacco Trail, or within 100' of any other perimeter boundary. Native vegetation will be used wherever supplemental buffer planting is required, in accordance with the Green Level guidelines.

Move _____ Chapter, Policy **3**

Design Transportation Infrastructure to address Land Use Context: as stated before, we are providing the right of way for the north/south thoroughfare, 100' right of way with 50' buffers on either side as noted in the Cary Community Plan 2040. The developer reserves the right to request a waiver for construction of the full section.

Serve _____ Chapter, Policy **2**

Provide Safe, Reliable Water and Wastewater Services: With the annexation of the proposed project, water and sewer lines would be extended to the property, currently without Town services. This would facilitate additional development in the adjoining areas.

Part 3C(2): LIMITED LIABILITY COMPANY - The area to be rezoned is owned by a limited liability company properly registered with the State of North Carolina. If 'member managed' all members must sign. If 'manager managed,' all managers must sign. **(Must be notarized).**

☐ **Manager-Managed**

Manager(s) is/are:

Printed Name _____

Signature _____ Date _____

Printed Name _____

Signature _____ Date _____


Printed Name _____

Signature _____ Date _____

☒ **Member-Managed**

Member(s) is/are:

Printed Name Michael L. Hunter (Parkway Greenlevel LLC, GPM3 LLC)

Signature  Date 12/21/2017

Printed Name B. Kyle Ward (Parkway Greenlevel LLC, GPM3 LLC, Parkway Properties Group LLC)

Signature B. Kyle Ward Date 12/21/17

Printed Name Stephen C. Ward (GPM3 LLC) ¹/₃

Signature Stephen C Ward Parkway Green Level LLC Date 12/21/17

If member/manager is an individual:

STATE OF North Carolina

COUNTY OF Wake

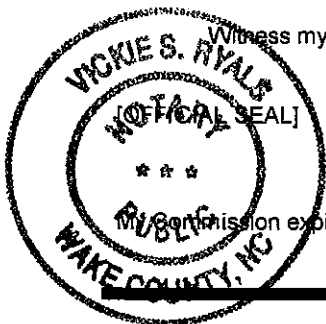
I, Vickie S. Ryals, a Notary Public, certify that Michael L. Hunter
(Name of Notary)

personally came before me this day and acknowledged that he/she is Member (Manager) (Circle One) of GPM3, LLC and Parkway Green Level, LLC and that he/she, as Member (Manager) (Circle One) of GPM3, LLC and Parkway Green Level (Name)

LLC and that he/she, as Member (Manager) (Circle One) being authorized voluntarily executed the (Name of LLC)

foregoing on behalf of said limited liability company for the purposes stated therein.

Witness my hand and official seal, this the 21st day of December, 2017.



Vickie S. Ryals
Notary Public
Vickie S. Ryals
Printed Name of Notary Public

My Commission expires: 5/23/21

If member/manager is a corporation:

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public, certify that _____
(Name of Notary) (Name)

personally came before me this day and acknowledged that he/she is _____
(Title of Corporate Officer)

of _____, which is a, (Member / Manager) of _____
(Name of Corporation) (Circle One) (Name of LLC)

_____ of _____, (Member / Manager) of _____
(Title of Corporate Officer) (Name of Corporation) (Circle One)

_____ being authorized to do so, voluntarily executed the foregoing on
(Name of LLC)

behalf of said limited liability company for the purposes stated therein.

Witness my hand and official seal, this the _____ day of _____, 20____.

[OFFICIAL SEAL]

Notary Public

Printed Name of Notary Public

My Commission expires: _____

If member/manager is an individual:

STATE OF North Carolina

COUNTY OF Wake

I, Vickie S. Ryals, a Notary Public, certify that Stephen G. Ward
(Name of Notary)

personally came before me this day and acknowledged that he/she is Member / Manager (Circle One) of

GPM3 LLC, LLC and that he/she, as Member / Manager (Circle One) of
(Name)

GPM3 LLC, LLC and that he/she, as Member / Manager being authorized voluntarily executed the
(Name of LLC) (Circle One)

foregoing on behalf of said limited liability company for the purposes stated therein.

Witness my hand and official seal, this the 21st day of December, 2017.



Vickie S. Ryals
Notary Public
Vickie S. Ryals
Printed Name of Notary Public

If member/manager is a corporation:

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public, certify that _____
(Name of Notary) (Name)

personally came before me this day and acknowledged that he/she is _____
(Title of Corporate Officer)

of _____, which is a, (Member / Manager) of _____
(Name of Corporation) (Circle One) (Name of LLC)

_____ of _____, (Member / Manager) of _____
(Title of Corporate Officer) (Name of Corporation) (Circle One)

_____ being authorized to do so, voluntarily executed the foregoing on
(Name of LLC)

behalf of said limited liability company for the purposes stated therein.

Witness my hand and official seal, this the _____ day of _____, 20____.

[OFFICIAL SEAL]

Notary Public

Printed Name of Notary Public

My Commission expires: _____

If member/manager is an individual:

STATE OF North Carolina

COUNTY OF Wake

I, Vickie S. Ryals, a Notary Public, certify that B. Kyle Ward
(Name of Notary)

Parkway Green Level and Parkway Properties Group personally came before me this day and acknowledged that he/she is Member / Manager (Circle One) of GPM3, LLC,
(Name) LLC and that he/she, as Member / Manager (Circle One) of

Parkway Properties Group LLC and that he/she, as Member / Manager being authorized voluntarily executed the
(Name of LLC) (Circle One)

foregoing on behalf of said limited liability company for the purposes stated therein.



Witness my hand and official seal, this the 21st day of December, 2017.

Vickie S. Ryals
Notary Public
Vickie S. Ryals
Printed Name of Notary Public

My Commission expires: 5/23/21

If member/manager is a corporation:

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public, certify that _____
(Name of Notary) (Name)

personally came before me this day and acknowledged that he/she is _____
(Title of Corporate Officer)

of _____, which is a, (Member / Manager) of _____
(Name of Corporation) (Circle One) (Name of LLC)

_____ of _____, (Member / Manager) of
(Title of Corporate Officer) (Name of Corporation) (Circle One)

_____ being authorized to do so, voluntarily executed the foregoing on
(Name of LLC)

behalf of said limited liability company for the purposes stated therein.

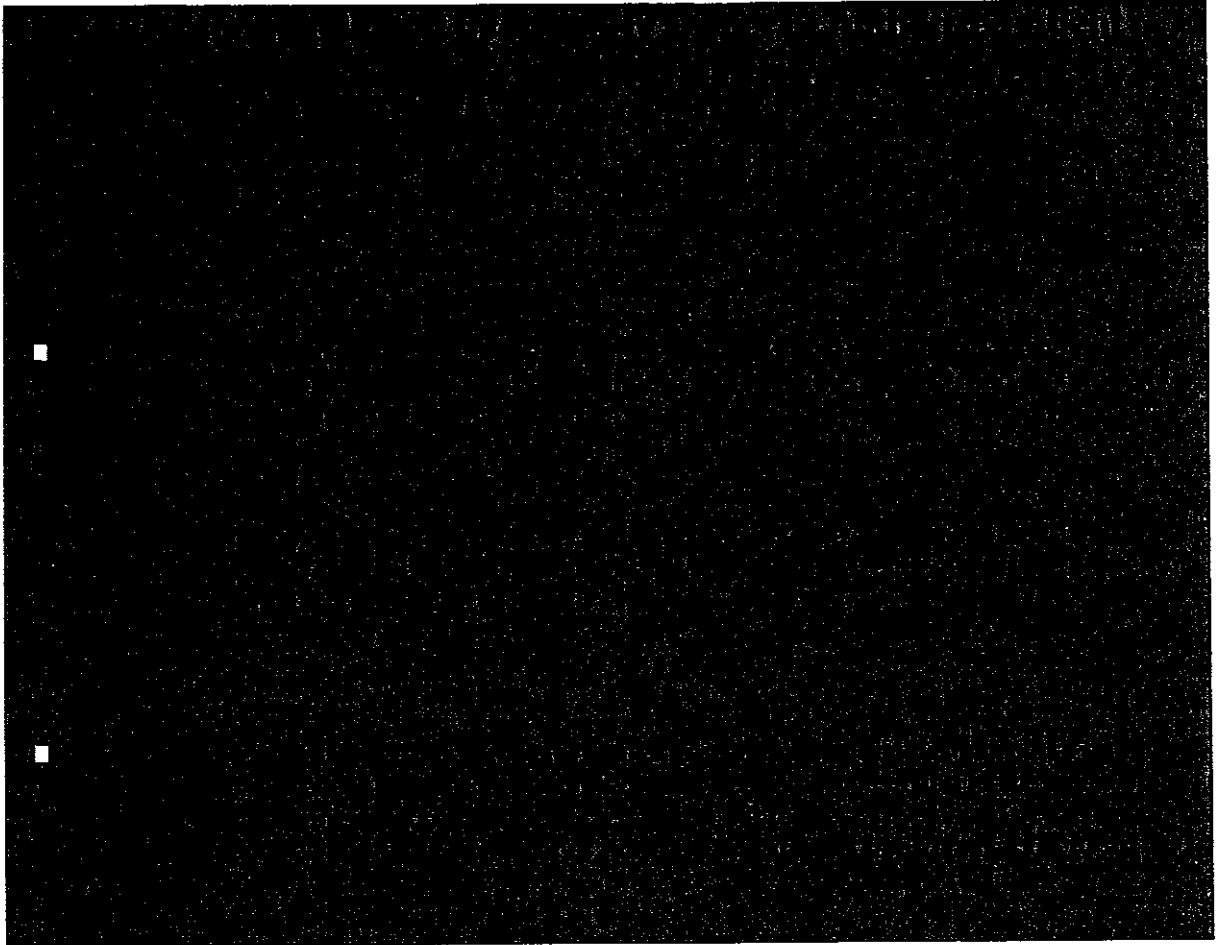
Witness my hand and official seal, this the _____ day of _____, 20____.

[OFFICIAL SEAL]

Notary Public

Printed Name of Notary Public

My Commission expires: _____



NOTE:

Each time proposed zoning conditions are revised after the initial submittal, a new affidavit must be provided to the case planner.

Standard Notes

The following apply, except where modifications are explicitly granted under "Modifications to Development Standards" below:

1. Development on this site shall comply with all the requirements of the Cary Land Development Ordinance (LDO) and other applicable laws, standards, policies and guidelines, all of which shall constitute the zoning regulations for the approved district and are binding on the Property.
2. Road improvements, and other applicable requirements of the Cary Comprehensive Transportation Plan shall be required at the time of subdivision or site plan Review. Road alignments and cross-sections shown on this Preliminary Development Plan (PDP) are approximate. At the time of subdivision or site plan review, all public and private roads shall conform to the Town of Cary Standard Specifications and Design Manual.
3. Sidewalks, greenway, multi-purpose paths and pedestrian connections shown on this plan are approximate. At the time of subdivision or site plan review, the location and design of such features shall comply with applicable standards of the Cary Land Development Ordinance (LDO) and other applicable laws, standards, policies and guidelines.
4. Open space areas shown on this plan are approximate. Location and sizes of such areas shall be specified at the time of subdivision or site plan review and will meet or exceed the applicable requirements of the Cary Land Development Ordinance.
5. Utilities, including all sanitary sewer, water, and reclaimed waterlines shown on this plan are conceptual. At the time of subdivision or site plan review, the developer may have the opportunity to request a waiver from the reclaimed water line improvements in accordance with Policy Statement 132. No modification of Cary design standards shall be implied.
6. Where there is a conflict between the graphic depiction of the development plan, and text of this document, the text shall apply. Where there is a conflict between the text of this document and the Land Development Ordinance, the Land Development Ordinance shall apply.

Roadway Improvements**Roadway Improvements**

A traffic impact study (17-TAR-427) was prepared by Ramy-Kemp & Assoc. in 2015. The applicant has agreed to make the following recommended improvements. Sept. 2017

- 1.
- 2.

Modification to Development Standards**MODIFICATIONS TO DEVELOPMENT STANDARDS**

1. **Land Development Ordinance Section** _____
(describe modification)
2. **Land Development Ordinance Section** _____
(describe modification)

Note to applicants:

Modification of provisions related to subdivision regulations, connectivity standards, provisions of the Standard Specifications and Details Manual, and requirements of the Comprehensive Transportation Plan requires a quasi-judicial evidentiary hearing and action by Town Council. Such requests may only be considered after rezoning approval.

Approval Block

17-REZ-_____
APPROVED

Approved by Cary Town Council Date _____

OTHER

<input type="checkbox"/>	Additional information may be requested during the review process in order to ensure that the request is adequately described for purposes of rezoning approval
<input type="checkbox"/>	Additional information as needed to convey and describe zoning conditions offered by the applicant.